

REMARKS

Claims 1-7 and 9-12 are all the claims pending in the application. Claim 1 has been amended for purposes of further clarity and to incorporate the subject matter of claim 13, which has been canceled.

Entry of the above amendments is respectfully requested.

I. Response to Claims 1-7, 9 and 13 are rejected under 35 U.S.C. § 112, second paragraph

Claims 1-7, 9 and 13 are rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite.

Applicants traverse the rejection and submit that the claim 1, as written, is definite and that one of ordinary skill in the art would understand the meaning and scope of the claim. Nonetheless, claim 1 has been amended as suggested by the Examiner. Accordingly, withdrawal of the rejection is respectfully requested.

II. Response to Rejection of Claims 1 and 2 under 35 U.S.C. § 102(a)

Claims 1 and 2 are rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Kinzer et al. (US 5,667,893).

Applicants respectfully traverse the rejection.

Kinzer relates to a substrate coated or impregnated with flexible epoxy composition and discloses an article comprising a substrate which has coated thereon a photopolymerizable epoxy composition. *See Abstract.* In addition, Kinzer discloses that the substrate can be a porous substrate, such as glass cloth, papers, or nonwoven (such as polyester and cellulose triacetate), and less preferably nonporous substrates. *See col. 6, lines 25-30.* However, the layer of Kinzer formed on the substrate includes a photopolymerization initiator.

In contrast, in the present invention, the polymer layer formed on the porous film substrate consists of a crosslinking polymer. Thus, photopolymerization initiators are excluded from the claimed layer.

Hence, it is respectfully submitted that Kinzer does not anticipate claim 1.

In addition, claim 2 depends from claim 1, and thus it is respectfully submitted that it is patentable for at least the same reasons as claim 1.

III. Response to Rejection of Claims 1-7, 9 and 13 under 35 U.S.C. § 103(a)

Claims 1-7, 9 and 13 are still rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yuji et al. (JP 2002-110245; hereinafter "JP '245") in view of Nakagawa.

Applicants respectfully traverse the rejection.

It is respectfully submitted that the combination of JP '245 and Nakagawa would not result in the claimed invention.

Claim 1 is directed to a porous film prior to being used in a battery (that is, no electrolyte is present). Thus, the claimed porous film is a layer of the crosslinking polymer. In contrast, JP '245 discloses a liquid composition comprising the oxetane ring polymer, ethylene carbonate/diethyl carbonate/dimethyl carbonate, and hexafluoro-phosphate lithium. The "consisting of" language excludes the additional components and thus, distinguishes claim 1 from JP '245.

In addition, Nakagawa discloses a crosslinked polymer layer on the porous support. The Examiner asserts that it would be obvious to form a polymer layer on the porous film as taught by Nakagawa because Nakagawa teaches that the process of JP '245 results in insufficient battery properties. However, since Nakagawa teaches the use of a "crosslinked" layer, if JP '245 were modified to use the method of Nakagawa, the result would be a "crosslinked" layer as opposed to a "crosslinking" layer, which is claimed.

For at least the above reasons, it is respectfully submitted that the claimed invention according to claim 1 would not be obtained even if the references were somehow combined.

In addition, claims 2-7 and 9 depend from claim 1, and thus it is respectfully submitted that these claims are patentable for at least the same reasons as claim 1.

In view of the above, withdrawal of the rejection is respectfully requested.

IV. Nonstatutory Obviousness-type Double Patenting Rejection

Claims 1-12 are still provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-17 of copending Application Nos. 11/267,404 and 10/569,417.

Without conceding the merits of the rejections, it is respectfully requested that the provisional non-statutory double-patenting rejections be held in abeyance.

V. Rejoinder

If product claims 1-7 and 9 are allowed, Applicants respectfully request rejoinder of process claims 10-12, which depend from claim 1.

VI. Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-7 and 9-12 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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